

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAMELA S. SMALL,

Plaintiff,

v.

ORDER
12-CV-1236S

NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY SUPERVISION,
CARL CUER, JAMES CONWAY, and SANDRA DOLCE,

Defendants.

On April 15, 2019, this Court resolved the parties' post-trial motions that followed a federal jury's determination that Defendants subjected Plaintiff Pamela S. Small to discrimination and a hostile work environment and unlawfully retaliated against her while she was employed as a civilian teacher at the Attica Correctional Facility ("Attica"). See Small v. New York State Dep't of Corr. & Cmty. Supervision, 12-CV-1236S, 2019 WL 1593923 (W.D.N.Y. Apr. 15, 2019).

Among the issues addressed therein, this Court offered Small a remittitur of the compensatory damages that the jury awarded against Defendant Carl Cuer to \$2.88 million. See id. at *10-13. It also affirmed the additional \$50,000 punitive damages award against Cuer and found that Small was entitled to \$346,371.35 in pre-judgment interest on her state back pay award. See id. at *13-15, *21. Familiarity with that decision is assumed and the findings therein are incorporated by reference.

After the decision, the Clerk of Court entered a partial amended judgment pending Small's decision on remittitur. (Docket No. 222.) Small has now accepted the remittitur

and this Court has also resolved her motion for supplemental attorneys' fees and costs. (See Affidavit of Pamela Small, Docket No. 220-1, ¶ 13 (" . . . I hereby inform the Court that I accept the remittitur and will not request another trial on damages against Cuer."); Docket No. 228.) Consequently, the Clerk of Court will once again be directed to enter an amended judgment against all defendants.

IT HEREBY IS ORDERED, that the Clerk of Court is directed to file an amended judgment against Defendants New York State Department of Corrections and Community Supervision, Carl Cuer, Sandra Dolce, and James Conway as follows:

IT IS ORDERED AND ADJUDGED: that judgment is entered in Plaintiff's favor against Defendant New York State Department of Corrections and Community Supervision on Claims 1 and 2 in the amount of \$2,488,250.79.

FURTHER, that judgment is entered in Plaintiff's favor against Defendant Carl Cuer on Claims 3 and 4 in the amount of \$3,276,371.35.

FURTHER, that judgment is entered in Plaintiff's favor against Defendant Sandra Dolce on Claim 3 in the amount of \$480,000.

FURTHER, that judgment is entered in Plaintiff's favor against Defendant James Conway on Claim 3 in the amount of \$240,000.

FURTHER, that judgment is entered in Plaintiff's favor against Defendants New York State Department of Corrections and Community Supervision, Carl Cuer, Sandra Dolce, and James Conway in the amount of \$862,395.30 for attorneys' fees.

FURTHER, that judgment is entered in Plaintiff's favor against Defendants New York State Department of Corrections and Community Supervision, Carl Cuer, Sandra Dolce, and James

Conway in the amount of \$50,458.05 for supplemental attorneys' fees.

FURTHER, that judgment is entered in Plaintiff's favor against Defendants New York State Department of Corrections and Community Supervision, Carl Cuer, Sandra Dolce, and James Conway in the amount of \$100,448.72 for costs.

FURTHER, that judgment is entered in Plaintiff's favor against Defendants New York State Department of Corrections and Community Supervision, Carl Cuer, Sandra Dolce, and James Conway in the amount of \$3,026.14 for supplemental costs.

FURTHER, that post-judgment interest under 28 U.S.C. § 1961 (a) will run from October 11, 2018.

SO ORDERED.

Dated: May 29, 2019
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge